THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13698 OF 2006

09.10.2006

Between:

M/s.Udayagiri Oil Industry, represented by its Proprietor Harish Kanchan Katruwar, S/o.Kanchan Katruwar

… Petitioner

AND

The Chief General Manager, A.P. Northern Power Distribution Company Limited, Warangal

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13698 OF 2006

ORDER:

The petitioner is a proprietary concern engaged in the business of extracting cottonseed oil. It is availing power supply from A.P. Northern Power Distribution Company Limited, the first respondent herein. The second respondent herein issued a notice dated 31.5.2001 advising the petitioner to switchover to HT supply within three months as otherwise, power supply will be disconnected duly terminating the agreement for LT supply, as per clause 26.7 of Terms and Conditions of Supply of Electrical Energy. The petitioner allegedly submitted representation on 30.8.2001, contending that there is no relationship between M/s.Mathura Oil Industry and M/s.Udayagiri Oil Industry (the petitioner herein) and that both the concerns purchased different portions of the land in survey No.45 from earlier owners. Considering the representation and after conducting inspection, it appears that the first respondent issued orders on 26.9.2002 to the effect that there was no justification to club both the LT supply connections. However, from January 2002 till September 2002, the respondents issued HT bills. The petitioner submitted representations requesting to revise the bills, in vain. As the petitioner failed to pay the bills, electricity supply was disconnected and the petitioner was asked to pay the arrears in instalments.

In the meanwhile, M/s.Mathura Oil Industry filed O.S.No.80 of 2002 on the file of the Court of Junior Civil Judge, Adilabad, questioning the clubbing of two LT supply connections. Be that as it is, the petitioner and the said M/s.Mathura Oil Industry filed W.P.No.6881 of 2003. The said writ petition was dismissed on 09.12.2003 observing that the suit being O.S. No.80 of 2002 should be pursued. Subsequently, the suit was dismissed on 22.1.2005. In spite of the same, again, the petitioner filed the present writ petition seeking a direction to the respondents to revise the bills from January 2002 to September 2002 duly treating the service connection given to the petitioner's unit as LT supply connection.

The petitioner mainly placed reliance on the judgment of this Court in W.A.No.1254 of 2004 dated 01.9.2004 in support of the contention that when the Chief General Manager found no justification for clubbing the two LT supply connections of the petitioner and M/s.Mathura Oil Industry, it is arbitrary on the part of the respondents in not issuing the revised bills.

In this case, admittedly, the petitioner filed W.P.No.6881 of 2003 along with M/s.Mathura Oil Industry, questioning the action of the respondents in not issuing the revised bills. The said writ petition was dismissed on 09.5.2003. The suit being O.S.No.80 of 2002 filed by M/s.Mathura Oil Industry was also dismissed on 22.1.2005. When the notice dated 31.5.2001 issued to the petitioner as well as M/s.Mathura Oil Industry is itself subject matter of the suit and when the said suit as well as writ petition filed by the petitioner were dismissed, at this point of time, the petitioner cannot reagitate the matter. After perusing the judgment of the Division Bench of this Court in W.A.No.1254 of 2004, this Court is of considered opinion, on facts the case is distinguishable.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

October 09, 2006
YS